

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TODD PARROTT	§	
VS.	§	CIVIL ACTION NO. 1:15cv54
CHRIS FREDRICKS, ET AL.	§	

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Todd Parrott, an inmate at the McConnell Unit, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

In a motion filed after the report was issued, plaintiff states he wishes to withdraw this lawsuit. Plaintiff is permitted to dismiss the action under Federal Rule of Civil Procedure 41(a) before the opposing party serves either an answer or a motion for summary judgment. As the defendants have neither filed an answer or a motion for summary judgment, plaintiff's motion to dismiss is granted. Therefore, the report is adopted only to the extent it recommended dismissal without prejudice.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** only to the extent it recommends dismissal

without prejudice. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So Ordered and Signed

Jun 2, 2017

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark, United States District Judge